

**AMENDMENT**

***IN THE CLAIMS:***

Pursuant to 37 CFR § 1.121, below is a complete listing of all claims in the application that include (1) currently amended claims 1 and 13, (2) original claims 3-5, 7, 10-12, 14, 17, and 18; (3) previously presented claims 2, 6, 8, 9, and 16, (4) canceled claims 19-22, and (5) new claims 23-26.

1. (currently amended) A method for evaluating the performance of a viewer watching a television programming stream, comprising the steps of:

receiving a broadcast of the television programming stream, the television programming stream comprising a televised broadcast transmission of at least one of a live media session and a recorded media session;

inserting an audio/video cue into the television programming stream, the audio/video cue associated with content of the television programming stream such that the audio/video cue prompts ~~prompting~~ the viewer during ~~presentment~~ of the television programming stream to provide an indicated response to an event within an indicated time period;

presenting the television programming stream and the audio/visual cue to a media delivery system device; and

if the viewer responds to the cue within the indicated time period, then:

detecting the indicated response to the event;<sub>;</sub>

measuring a response time of the indicated response to the event, wherein the response time is the time between the time which event occurred and when the viewer provided the indicated response;<sub>;</sub>

evaluating viewer performance based upon the response time such that the response time associated with the viewer is compared to one of another response time to another event and an averaged response time of two or more other events,  
and ; and

providing an incentive to the viewer based upon the viewer's performance.

2. (canceled)

3. (original) The method of claim 1, wherein the event comprises an occurrence of audio/visual content broadcast to the viewer during the television programming stream.

4. (original) The method of claim 1, further comprising time-stamping the indicated response to the event.

5. (original) The method of claim 1, further comprising creating a viewer action's log from the indicated response and the response time.

6. (previously presented) The method of claim 5, further comprising comparing the viewer's action log to a known sequence of events.

7. (original) The method of claim 1, wherein the television programming stream comprises an advertisement.

8. (previously presented) The method of claim 1, wherein the indicated response to the event is provided by the viewer actuating a pushbutton key on a set-top box remote control unit which transmits an encoded signal to a set top box, when the viewer identifies the occurrence of audio/visual content.

9. (previously presented) The method of claim 8, wherein the set-top box is operable for monitoring viewing habits and actions, collecting information, and receiving encoded television signals.

10. (original) The method of claim 1, wherein the incentive comprises at least one of : an award, a coupon, a discount, and a prize.

11. (original) The method of claim 1, further comprising transmitting the indicated response and the response time to a data-center.

12. (original) The method of claim 1, wherein the evaluating performance step comprises instant feedback to the viewer.

13. (currently amended) A media delivery device for evaluating a viewer watching programming, comprising:

a decoder operable for decoding broadcast media programming into the media delivery device, wherein the broadcast media programming comprises a broadcast of a television programming stream and an occurrence of an audio/visual cues, the television programming stream comprising a televised transmission of at least one of a live media session and a recorded media session;

a viewer's action module operable for detecting a viewer's response to the occurrence of the audio/visual cues;

a timed response monitoring module operable for:

measuring a response time of the viewer's response; ~~and~~ to the event, wherein the response time is the time between the time which event occurred and when the viewer provided the indicated response, and

evaluating viewer performance based upon the response time such that the response time associated with the viewer is compared to one of another response time to another event and an averaged response time of two or more other events;

and

a processor operable for evaluating the viewer's response and the response time by comparing the viewer's response and the response time against any known sequence of events, wherein an incentive is provided to the viewer based upon the viewer's response and the response time.

14. (original) The device of claim 13, further comprising:

a network connection operable for transmitting encoded signals between the media delivery device and an external network;

wherein the media delivery receives prompts from the external network, and the external network receives notification for the viewer's response and the response time.

15. (canceled)

16. (previously presented) The device of claim 13, wherein the media programming comprises an advertisement.

17. (original) The device of claim 13, wherein the viewer's response to the occurrence of audio/visual cues is provided by the viewer actuating a pushbutton key on a set-top box remote control unit which transmits an encoded signal when the viewer identifies the occurrence of audio/visual cues.

18. (original) The device of claim 17, wherein the set-top box is operable for monitoring viewing habits and actions, collecting information, and receiving encoded television signals.

19. (canceled)

20. (canceled)

21. (canceled)

22. (canceled)

23. (new) A method, comprising the steps of:

receiving a broadcast of an interactive media content stream, the interactive media content stream having a television programming stream comprising a televised broadcast transmission of at least one of a live media session and a recorded media session and the interactive media content stream further having an audio/video cue associated with content of the television programming stream such that the audio/video cue prompts the viewer during presentment of the television programming stream to provide an indicated response to an event within an indicated time period;

presenting the interactive media content stream to a media delivery system device;

and

if the viewer responds to the cue within the indicated time period, then:

detecting the indicated response to the event,

measuring a response time of the indicated response to the event, wherein the response time is the time between the time which event occurred and when the viewer provided the indicated response,

evaluating viewer performance based upon the response time such that the response time associated with the viewer is compared to one of another response time to another event and an averaged response time of two or more other events, and

providing an incentive to the viewer based upon the viewer's performance.

24. (new) The method of claim 23, further comprising the step of:

if the viewer does not respond to the cue within the indicated time period, then:

discontinuing presentment of the cue during the television programming stream, and

continuing presentment of the broadcast of the television programming stream without presentment of a subsequent audio/visual cue.

25. (new) The method of claim 1, further comprising the step of:

if the viewer does not respond to the cue within the indicated time period, then:

discontinuing presentment of the cue during the television programming stream, and

continuing presentment of the broadcast of the television programming stream without a subsequent audio/visual cue.

26. (new) The device of claim 13, the processor further operable for disabling presentment of a subsequent audio/visual cue if the viewer does not respond to the audio/visual cue within a selected time period such that the broadcast of the television programming stream continues uninterrupted without a subsequent audio/visual cue.

**RESPONSE**

Assignee has (1) re-stated the status of claims 2, 6, 8, 9, and 16 from "previously amended" to "previously presented," (2) canceled claims 2 and 15, and (3) respectively, added new claims 25 and 26. Assignee makes a bona fide attempt to comply with the requirements. Further, Assignee respectfully solicits a Notice of Allowance for all pending claims (claims 1, 3-14, 16-18 and 23-26).

**AUTHORIZATION FOR PAYMENT OF FEES**

If there are any other fees due in connection with the filing of this response, please charge the fees to the credit card on file. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to the credit card on file.

If the Office has any questions, the Office is invited to contact the undersigned at (757) 253-5729 or [bambiwalters@cox.net](mailto:bambiwalters@cox.net).

Respectfully submitted,



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